

Requests for Reconsideration:

Applicant is amending claims 1, 7, and 13 to better describe the claimed invention. No new matter is added by the foregoing amendments, and these amendments are fully supported by the specification. Applicant respectfully requests that the Examiner reconsider the above-captioned patent application in view of the foregoing amendments and the following remarks.

Remarks:

1. Rejections

Claims 1-3, 5-9, and 11-16 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 6,361,283 to Ota et al. (“Ota”). In addition, claims 4 and 10 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Ota in view of U.S. Patent Application Publication No. 2003/0031569 A1 to Hayashi et al. (“Hayashi.”). Moreover, claims 7 and 13 stand rejected under 35 U.S.C. § 112, ¶2, as allegedly being indefinite. Applicant respectfully traverses.

2. 35 U.S.C. § 112, ¶ 2

Claims 7 and 13 stand rejected as allegedly being indefinite. Specifically, the Office Action asserts that claims 7 and 13 include limitations drawn to a pressure receiving portion that presses the throttling valve in a direction to be opened when it receives downstream side pressure, which the Office Action asserts is counter-intuitive. Applicant has amended claims 7 and 13 to clarify that the pressure receiving portion presses the throttling valve in a direction to be opened when it receives upstream side pressure. Therefore, Applicant respectfully requests that the Examiner withdraw the indefiniteness rejection of claims 7 and 13.

3. 35 U.S.C. § 102(b)

Claims 1-3, 5-9, and 11-16 stand rejected as allegedly anticipated by Ota. “A claim is anticipated if and only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131. The Office

Action alleges that Ota describes each and every element as set forth in claims 1-3, 5-9, and 11-14. Applicant respectfully traverses.

Applicant has amended independent claim 1 to recite, in part: “a constant differential pressure valve arranged to open when a differential pressure between an upstream pressure within an upstream portion of the throttling valve and a downstream pressure within a downstream portion of the throttling valve reaches a predetermined value, thereby introducing compressor discharge gas to a crank chamber, wherein the upstream portion of the throttling valve and the downstream portion of the throttling valve are positioned between the crank chamber and a discharge chamber.”

The Office Action asserts that Ota discloses: “a control valve system for a variable displacement swash plate compressor including a valve portion V1 that is interpreted as a throttling valve and a second valve portion V2 that is interpreted as a constant differential pressure valve. When solenoid coils 71 are energized, rod 80 protrudes into valve seat 61, opening the throttle valve to a certain degree based on the external information detecting means, allowing crank chamber 5 fluid into the suction chamber 21. When the pressure difference between the suction chamber 21 and the crank chamber 5 is reduced, bellows 62 expand and push down the rod 80 to open the valve portion V2, introducing fluid from discharge chamber 22 into the crank chamber 5.” Office Action, Page 3, Lines 14-22.

Nevertheless, in Ota, an upstream portion and a downstream portion of valve portion V1 are positioned between the suction chamber and the crank chamber, and are not positioned between the crank chamber and the discharge chamber. Therefore, Applicant respectfully requests that the Examiner withdraw the anticipation rejection of independent claim 1 at least for this reason.

Claims 2, 3, 5-9, and 11-14 depend from allowable, independent claim 1. Therefore, Applicant respectfully requests that the Examiner also withdraw the anticipation rejection of claims 2, 3, 5-9, and 11-14 at least for this reason.

3. 35 U.S.C. §103(a)

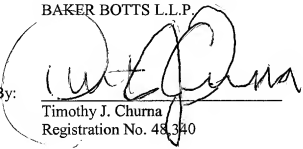
Claims 4 and 10 stand rejected as allegedly rendered obvious by Ota in view of Hayashi. Ota fails to disclose or suggest that “the upstream portion of the throttling valve and the downstream portion of the throttling valve are positioned between the crank chamber and a discharge chamber,” as set forth in Applicant’s independent claim 1. The Office Action does not assert that Hayashi discloses or suggests this missing limitation. Claims 4 and 10 depend from allowable, independent claim 1. Therefore, Applicant respectfully requests that the Examiner withdraw the obviousness rejection of claims 4 and 10 at least for this reason.

Conclusion:

Applicant respectfully submits that the above-captioned patent application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution of this application may be furthered by discussing the application, in person or by telephone, with Applicant's representative, we would welcome the opportunity to do so. Applicant believes that no fees are due as a result of this Response. Nevertheless, in the event of any variance between the fees determined by Applicant and the fees determined by the U.S. Patent and Trademark Office, please charge or credit any such variance to the undersigned's Deposit Account No. 02-0375.

Respectfully submitted,
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